

As a consumer of digital content, I do not believe that the proposed Broadcast Flag, as defined, has sufficient latitude and flexibility to justify its existence. I enjoy the flexibility and control that the technology I own gives me over the video signals that I receive legitimately. I can be more than a passive recipient of content; I can modify, create and participate. Technology currently gives me more choices by allowing me to record a television program and watch it later; clip a small piece of a TV program and splice it into a home movie; send an email clip of my child's football game to a distant relative; or record a TV program onto a DVD and play it at my friend's apartment. (These would all be covered by the "fair use" provisions, as far as I know.) Digital recording of TV (with my TiVo) has completely changed my viewing habits and restored my faith that there actually ARE television programs worth watching, and even commercials that I enjoy! The broadcast flag as!

currently implemented is designed to remove this control and flexibility, and thus take away my ability to make broadcast TV worth watching at home. This is something that I suspect those who would seek its being mandated would find contrary to their ends, as well as to mine.

Historically, the law has allowed for those not affiliated with creating content to come up with new, unanticipated ways of using it. For example, Sony invented the modern VCR -- a movie studio did not. (Sony did not own a movie studio at the time.) Diamond Multimedia invented the MP3 player -- a recording label did not. My TiVo, as well, was developed by a company unaffiliated to any television system. Unfortunately, the broadcast flag has the potential to put an end to that dynamic. Because the broadcast flag defines what uses are authorized and which are not, unanticipated uses of content which are not foreseeable today are by default unauthorized. If we allow the content industry to "lock in" the definition of what is and is not legitimate use, we curtail the ability for future innovation - unanticipated but legal uses that will benefit consumers.

I am a law-abiding consumer who believes that piracy should be prevented and prosecuted. However, if theoretical prevention comes at the cost of prohibiting me from making legal, personal use of my content, then the FCC should be working to protect all consumers rather than enabling those who would restrict consumer rights. In the case of the broadcast flag, it seems that it will have little effect on piracy. With file-sharing networks, a TV program has only to be "cracked" once, and it will propagate rapidly across the Internet. So, while I may be required to purchase consumer electronic devices that cost more and allow me to do less, piracy will not be diminished. (It may well be enhanced, since people will demand to be able to do what they were able to do before the broadcast flag existed!)

I urge you to require the content industry to demonstrate that its proposed technologies will allow for all legal uses (e.g., "fair use"), and will actually achieve the stated goal of preventing piracy. If they cannot, I urge you not to mandate the broadcast flag.